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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,603	03/17/2004	Jorg Sudau	4452-600	4965

27799 7590 06/30/2005

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EXAMINER

BONCK, RODNEY H

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/802,603	Applicant(s) SUDAU, JORG	
	Examiner Rodney H. Bonck	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a first action on the merits of application Serial No.10/802,603, filed March 17, 2004.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

Receipt is acknowledged of the Information Disclosure Statement filed March 17, 2004. The cited document has been considered.

Claim Objections

Claim 1 is objected to because of the following informalities:

In line 9 of claim 1, "con" apparently should be – can –.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis for "said second friction lining element", lines 8-9 of claim 1. There is no proper antecedent basis for "the at least one first friction lining element and the at least one second friction lining element" recited in lines 12-13 of claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanda et al.('314). The Kanda et al. device is a clutch arrangement comprising a housing 42, at least one first friction element 45 connected to the housing 42 and having at least one frictionally active side, and at least one second friction element 46 connected to the power takeoff element 44 and having at least one frictionally active side, which can be brought into frictional engagement with a respective frictionally active side of the first friction element. One of the at least one first friction element and the at least one second friction element comprises a friction lining carrier having a friction lining arrangement 75 on each frictionally active side. The friction element includes an arrangement of fluid transport surfaces, which causes fluid to circulate (see column 5,

lines 4-13). Two of the second friction elements are interleaved between three of the first friction elements in Kanda et al., as seen in Figs. 2 and 3. One of the sets of friction elements in Kanda et al. has no friction lining. Both the friction lining carrier 46 and the friction lining arrangement 75 in Kanda et al. comprise circumferentially oriented fluid transport surfaces. The friction lining arrangement comprises a plurality of friction lining segments 75 (Fig. 4) arranged in a circumferential row and having circumferentially directed surfaces.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schjolin et al. ('189). The Schjolin et al. device is a clutch arrangement comprising a housing 17, at least one first friction element 30-37 connected to the housing 17 and having at least one frictionally active side, and at least one second friction element 45-47 connected to the power takeoff element 60 and having at least one frictionally active side, which can be brought into frictional engagement with a respective frictionally active side of the first friction element. One of the at least one first friction element and the at least one second friction element comprises a friction lining carrier 49 having a friction lining arrangement 50, 50a on each frictionally active side. The friction element includes an arrangement of fluid transport surfaces, which causes fluid to circulate (see column 3, lines 19-44). Two of the second friction elements are interleaved between three of the first friction elements in Schjolin et al., as seen in Fig. 1. One of the sets of friction elements in Schjolin et al. has no friction lining. Both the friction lining carrier 49 and the friction lining arrangement 50, 50a in Schjolin et al. comprise circumferentially oriented

Art Unit: 3681

fluid transport surfaces. The friction lining arrangement comprises a plurality of friction lining segments 50, 50a (Figs. 5 and 6) arranged in a circumferential row and having circumferentially directed surfaces. The carrier comprises a plurality of friction lining carrier segments having circumferentially directed surfaces. Each friction lining segment has an outer contour essentially conforming to that of the carrier segments.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kitaori et al.('088) is cited to show lining segments 73o, 73i. Almen et al.('346) shows alternative inner spline teeth or outer spline teeth. Fujimoto et al.('331), Canfield('526), and Schjolin('049) show other friction lining segment arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
June 24, 2005